

# EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

TRAVELODGE HOTELS, INC.,

Plaintiff,

vs.

GOPAL GOVAN,

Defendant,

vs.

CINCINNATI TRAVELODGE,

Third-Party Defendant.

CASE NO.C-1-01-784

Volume I

Deposition of GOPAL GOVAN, a Defendant herein,  
taken by the Plaintiff as upon cross-examination  
pursuant to Notice and stipulations hereinafter set  
forth, at the offices of Wood & Lamping, 600 Vine  
Street, Suite 2500, Cincinnati, Ohio 45202 at 9:20  
a.m., on Wednesday, January 29, 2003, before  
Angela S. Berens, a Professional Court Reporter and  
Notary Public within and for the State of Ohio.

Cin-Tel Corporation  
813 Broadway  
Cincinnati, Ohio 45202  
(513) 621-7723

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 NANCY A. OLIVER, ESQ.  
4 Hahn, Loeser & Parks  
5 3300 BP Tower  
6 200 Public Square  
7 Cleveland, Ohio 44114-2301  
8 (216) 274-2290

9 On behalf of the Third-Party Defendant:

10 BRIAN GILES, ESQ.  
11 Statman, Harris, Siegel & Eyrich LLC  
12 2900 Chemed Center  
13 255 East Fifth Street  
14 Cincinnati, Ohio 45202  
15 (513) 621-2666

16 On behalf of the Defendant, Gopal Govan:

17 JAMES D. HOUSTON, ESQ.  
18 Wood & Lamping LLP  
19 600 Vine Street  
20 Suite 2500  
21 Cincinnati, Ohio 45202  
22 (513) 852-6000

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24

1 Q. If you look at the last paragraph on  
2 the first page.

3 A. Uh-huh.

4 Q. It says, Pursuant to the terms of the  
5 license agreement, Licensee must completely  
6 deidentify the Unit from its appearance as a  
7 Travelodge guest lodging facility within ten days of  
8 your receipt of this letter.

9 That was your obligation under the  
10 license agreement, correct?

11 A. Yes.

12 Q. What did you do to begin to deidentify  
13 the facility?

14 A. Take out all of the logos from the  
15 rooms and cover up the sign.

16 Q. When did you do that?

17 A. It was shortly after this letter, but  
18 I think -- let's see. We had a billboard, too, so we  
19 had to call the billboard guy to cover the billboard  
20 up and we had a sign guy turn the signs over on the  
21 billboard afterwards because I think we had a cover  
22 on there and it blew off and turned the signs over.

23 Q. I assume you paid somebody to cover up  
24 the billboard and turn the sign over? You had to

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1 hire somebody to do that?

2 A. Not the sign board. We just turned it  
3 over ourselves.

4 Q. But the billboard, you hired somebody  
5 to do that?

6 A. Yeah. Because I think what we did was  
7 put another name on the billboard.

8 Q. Do you know when you hired this person  
9 to cover the billboard?

10 A. It was the same sign company. The guy  
11 could probably get you the dates.

12 Q. If you could find the invoice or  
13 identify when that was done, that would be very  
14 appreciative. Do you know when the property was  
15 completely deidentified?

16 A. It was shortly after this notice.

17 Q. Shortly after?

18 A. (Witness nods head affirmatively.)

19 Q. Do you have any idea? Was it within  
20 the ten days?

21 A. Probably 15 days.

22 (THEREUPON, Plaintiff's Exhibit No. 14  
23 was marked for identification.)

24 BY MS. OLIVER:

1 Q. Mr. Govan, what's been handed to you  
2 as Exhibit 14 is entitled Post Termination  
3 obligations Checklist.

4 A. Uh-huh.

5 Q. And this is a copy of a report that is  
6 filled out after an inspector has visited the  
7 property to see if it has deidentified.

8 Can you tell me the date of this?

9 A. 8/26/2001.

10 Q. So it's 24 days after the termination,  
11 correct?

12 A. Uh-huh. Yeah.

13 Q. And I know that it's difficult because  
14 the photos on the second page are not in color, but  
15 can you see in the photograph that's marked primary  
16 sign that the Travelodge sign is still up?

17 A. Yes.

18 Q. In the two top photos?

19 A. I do.

20 Q. In the lobby area you see the map up  
21 with the Travelodge sign, correct?

22 A. I think I had a call after this.

23 Q. Guest Room 104 there were still the  
24 items in the room with the Travelodge logo, correct?



1 A. Uh-huh.

2 Q. So you would agree with me 24 days  
3 after the termination of the property you had not  
4 deidentified, correct?

5 A. Apparently not.

6 (THEREUPON, Plaintiff's Exhibit No. 15  
7 was marked for identification.)

8 BY MS. OLIVER:

9 Q. Mr. Govan, what's now been handed to  
10 you as Exhibit 15 is another Post Termination  
11 obligations Checklist. If you could please tell me  
12 what the date is on this.

13 A. October 30th.

14 Q. Of what year?

15 A. 2001.

16 Q. Thank you. And on this first page  
17 it's representing that with respect to the primary  
18 sign you have removed that. Billboard to change name  
19 has been removed. You've stopped answering the phone  
20 Travelodge.

21 The only thing in the first item that  
22 still remains is your failure to return confidential  
23 operations manuals and reservation equipment. Is  
24 that correct? I'm looking at the first page, I'm

1       sorry, in that top section.

2               A.       Uh-huh.

3               Q.       The items that are marked yes means  
4       that you have deidentified. The items marked no  
5       means you have not. The only thing identified there  
6       is the returned confidential operations manuals and  
7       reservation equipment, correct?

8               A.       Returned confidential operations  
9       manuals and reservation equipment.

10              Q.       That wasn't returned, correct?

11                      MR. HOUSTON: I'm going to object to  
12       the extent we haven't established that he  
13       received this document at any time.

14              A.       I don't know nothing about the  
15       manuals.

16              Q.       You don't know whether they were  
17       returned or not, correct?

18              A.       No. I don't know where they are.

19              Q.       Looking at the photographs on the next  
20       page, it appears that the primary sign has been  
21       covered up, correct?

22              A.       Yes.

23              Q.       It appears that the items that remain  
24       to be covered or removed are in the photos showing



1 the tag on the back of the door. There is a  
2 Travelodge logo, correct?

3 MR. HOUSTON: I'll object. If you can  
4 tell.

5 Q. Can you tell?

6 A. It seems to be that way.

7 Q. How about on the phone, can you tell  
8 if there is a Travelodge logo on the phone?

9 A. Yeah. It looks like there is one on  
10 there.

11 Q. Mr. Govan, do you know what revenue at  
12 the facility between the time period of August 2nd,  
13 2001 and the date of this inspection on 10/30/2001?

14 A. No, I don't.

15 Q. Is that something we could find out?

16 A. We could find out.

17 Q. If you could please find out that  
18 information and provide that information to  
19 Mr. Houston.

20 (Off the record.)

21 \_\_\_\_\_  
22 GOPAL GOVAN

23 (Deposition continued in progress  
24 concluded at 4:00 p.m.)